

COASTAL ZONE  
INFORMATION CENTER

KILLS DEVIL HILLS

1980

LAND USE PLAN

EXECUTIVE SUMMARY

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#### GENERAL OBSERVATION

The Town of Kill Devil Hills is a beach community on the Outer Banks of North Carolina. Although its permanent population is less than 1,800 people, its summer population swells to nearly 13,000 overnight visitors and residents. Kill Devil Hills is predominantly ocean oriented. Recent development has tended to locate near the Sound. Kill Devil Hills has considerable natural resources. These include the Sound, adjacent marshland, fresh water ponds with valuable wildlife, large dunes along the soundside, and the ocean and its beaches. Kill Devil Hills is nearly completely subdivided. Opportunities to protect many environment features must rest with the voluntary actions of residents, visitors and developers. The Town is growing at a rate between 8 and 13% per year. This growth rate will probably cause the Town to be completely developed by 1990. Redevelopment will probably not occur until after 2000 due to the fact that considerable open space exists to both the north and south of Town.

## GROWTH

Policies Considered

- (1) Increase growth rate to 15 or more percent;
- (2) Keep growth rate of 1970s, namely 8 to 13%;
- (3) Limit growth rate to under 8%;
- (4) Limit growth rate to a number which reflects the capacity of the present facility system without major, costly additional expenditures;
- (5) Adopt a no growth policy.

Discussion

Townpeople want to restrict growth to a level which will not require major, costly addition expenditures. (Questionnaire, pp. 5-6) The Town has approved several new subdivisions and partially approved plans for additional motels on the beachfront. The Regional Sewer System may not be as expensive as the respondents to the questionnaire believed it to be. (Environmental Considerations, pp. 17 f.) Except for sewer, facility capacities appear to be sufficient to handle 13,000 additional overnight visitors and residents.

Policy Selected

Retain growth rate of the near past, namely the 1970s. Plan to construct and improve facilities and services to meet the demands of 13,000 additional residents anticipated to move to the Town by 1990.

Implementation

Adopt other policies consistent with this overall policy. (See additional policies in this Section.)

ENERGY SHORTAGES AND MARKET FACTORS WHICH COULD AFFECT  
THE GOAL OF REACHING THE SELECTED GROWTH RATE

Policies Considered

(1) Assist private sector in finding suitable financing for favored development; (2) Take measures to assure a sufficient quantity of gas will be available for motorists who reach the Town; (3) Develop a mass transit system to diminish the reliance on the auto for persons who have reached the Town; (4) Take no action.

Discussion

Past relationships between energy shortages, tight money and Town growth seem to support the conclusion that no long term effects on the building rates will result from short term energy shortages or tight money. (Population, pp. 11-15) Traffic congestion and associated hazards on the Bypass justify the Town supporting some measures that will reduce problems there. (Transportation, pp. 8-14) The public does not strongly support expenditures for mass transit. (Questionnaire, pp. 14-15) Therefore, mass transit should be pursued only if the system pays for itself.

Policy Selected

The Town will support efforts begun by the Town of Nags Head aimed at providing mass transit for the beach communities on the northern Dare County Outer Banks. This support will probably continue as long as the system is self-supporting.

Implementation

Cooperation with the Town of Nags Head in finding further sources for the project. Administrative assistance from the Town to the Town of Nags Head.

Comment

As a result of implementing this policy in the current planning year, a mass transit system was established during the summer of 1980.

## CONSTRAINTS TO DEVELOPMENT

### Policies Considered

Determining that none, some or all of the following deserve local government action which would make them a constraint to development.

(1) Flood hazard areas, (2) Areas with soils considered unfavorable for the use of septic systems, (3) Wetlands, (4) Wooded lands and especially, Nags Head Woods--dunes, ponds, wooded areas (bay forest, mixed hardwood forest), marsh, hammocks, etc., (5) Oceanfront dunes.

### Discussion

Kill Devil Hills is currently nearly completely subdivided. Large lot sizes for sensitive environmental features are not possible. Standards designed to diminish damages from flooding are being enforced. (Current Plans, p. 4) Flooding is only a partial constraint to development in that it increases the costs of building. Since the regulations have been in effect during the 70s, one can conclude that the regulations have no significant effect on the growth rate. The soils on the Outer Banks have severe limitations for development relying on the use of septic systems. (Environmental Considerations, pp. 6-15). Environmental damages are probably limited to pollution of the Sound. This damage can probably be avoided if developers and builders use large lot sizes on lands close to the Sound. Nearly all land adjacent to the Sound is already subdivided. The Coastal Resources Commission currently limits the use of development within 75 feet of the Sound. The Commission (C.R.C.) also protects wetlands from development. Permits are required for development in both areas.

A large portion of the Woods is subdivided; roads have been built and lots have been sold. A significant portion of the built-on lots have retained their natural vegetation, despite the absence of Town regulations requiring cover requirements. The respondents to the questionnaire favored protection of environmental features, preservation of open space, use of large lot sizes and minimum cover requirements. (Questionnaire, pp. 8-11) The Board of Commissioners is reluctant to increase governmental regulation unless it is absolutely necessary.

Development along the oceanfront is limited by the C.R.C. to those instances where a flood hazard setback is observed and the primary dune is not disturbed.

#### Policy Selected

The following are deserving of additional action by the Town of Kill Devil Hills which would make them constraints to development: areas with unsuitable soils for septic systems. It is Town policy to limit development on such soils, as mapped by the consultants and representing soils determined to have limitations by the Soil Conservation Service. The Town supports the enforcement of septic system regulations as enforced by the County Health Department. The Town will continue to participate in the Federal Flood Insurance Program. It will continue to enforce a flood hazard ordinance with accompanying building standards so long as the program is in effect. The Town encourages property owners to retain the natural wooded condition of their property as a shelter for wildlife and to prevent erosion. The Town does not wish to designate the Woods within the Town limits as an

Area of Environmental Concern. The Town supports C.R.C. policies and regulations protecting the marshlands along the Sound. The Town favors the maintenance of existing policies on the fresh water pond which constitutes the back-up water source for the Town. The Town supports policies of the C.R.C. that will protect the dune system along the ocean, however, it does not support setbacks adopted for the sole purpose of anticipating erosion during the next thirty years.

#### Implementation

The Town will retain its flood control ordinance. The Town will work with the County Health Department. The Town will continue to enforce its building code, zoning ordinance, subdivision regulations. The Town will take an active role in policy development of the C.R.C. (whenever possible the Town Administrator and members of Board of Commissioners will attend the meetings). The Town will enforce C.A.M.A. regulations by keeping in effect an implementation and operation plan and by designating a local permit officer as required under that statute.



## WATER AND SEWER FACILITIES

### Policies Considered

- (1) Participating or building a public sewer system to handle growth anticipated during the next ten to twenty years;
- (2) Encouraging small package plants for handling household wastes and commercial wastes--such systems to be located in areas with poor soils for septic systems and in areas of dense motel and/or restaurant development;
- (3) Delay decision until further studies can be completed;
- (4) Leave the decision totally to State and Federal agencies.

### Discussion

Additional motel development will provide a secure source of revenue for future services. Motels yield higher revenue per acre than do single family structures. (Housing, pp. 24-28) Existing subdivisions, when developed, may damage the Sound and surficial aquifer--lot sizes are not sensitive to what we currently know about the filtering capacity of soils for handling domestic wastes. The State supports increasing the level and revenue from tourism. The Federal Government is recently considering limiting development by limiting services and facilities on the barrier islands. The Town had participated in the Dare Beaches Water and Sewer Study and preliminarily backed the plan to build a regional sewer system for the towns of Manteo, Nags Head and Kill Devil Hills. A plan to study package treatment systems would take too long, significant lead time has already been spent on the regional sewer system. A sewer system needs to be completed as soon as possible.

### Policy Selected

The Town supports the building of the regional waste treatment facility. This project should be begun and completed as soon as possible.

### Implementation

The Town will investigate methods of raising the funds necessary to construct the local collector system and pay for its share of the facility costs as soon as the project seems likely to receive State and Federal approval. The Town will probably submit a bond raising proposal to referendum. In implementing the construction of the local sewer system, the Town will extend lines to areas with poor soils and dense populations first and then to other areas.

### Note

In the event the Regional Wastetreatment Facility is abandoned, the Town will study the feasibility of using package plants.

### Interim Policies

Interim policies designed to discourage the building on lots with poor soils were considered but rejected. (Public comments to the preliminary draft and proposed interim policies were so harsh as to demand their removal.) The Town desires that this problem be solved by the construction of a public sewer system.

### Comment on the Water System

The Water system has sufficient excess capacity to meet demands to 1990. The Regional Water Distribution System was completed during the summer of 1980; its capacity and ability to expand should enable

the Town to be assured of sufficient quantities of water for local distribution to 1990. The fresh water pond will be used as a back-up water supply.

## HURRICANE EVACUATION

### Policies Considered

(1) Treat hurricanes as an unusual natural occurrence which should be planned for but which do not demand the kind of public expenditures to insure lives and safety beyond the extent to which they are currently protected; (2) Take such measures as are necessary to evacuate the Outer Banks when threatened by hurricanes; (3) Restrict the measures in number two above to only planning measures that do not involve public expenditures; (4) Limit growth to amount that can be evacuated safely.

### Discussion

The chance of a hurricane striking the Dare Outer Banks appears to be about 1 in 10 in any year. A hurricane or major storm will probably require evacuation as there are not adequate shelters in existence on the Outer Banks to accommodate even a small proportion of the population. The likelihood of a successful evacuation is related to the warning time. By 1985 the population on the Outer Banks from Ocracoke to Corolla needing to exit using routes US 64 and US 158 will have exceeded the bridge capacity on the road network, even given reasonable early warning (48 hours). (Transportation, pp. 1-8)

Despite Department of Transportation Plan providing for four lane highways in Currituck to the bridge over the Currituck Sound and the six laning of the Bypass, no plans exist to increase the bridge over the Sounds to four lanes, or to build another bridge.

Policy Selected

The Town requests the State Department of Transportation to plan, engineer and build another bridge across the Currituck Sound. The Town requests the County to update its hurricane evacuation plan to account for problems identified in the technical report to this Plan (See Transportation, pp. 1-8).

Interim Policy

In the event that a plan to increase the bridge capacity is not forthcoming from the State by 1985, the Town will work with other Dare Beach communities and the United States Park Service to place limits on growth.

Implementation

The Town will write letters of request to the County and State, and assist them in their efforts to implement these policies. The Town will prepare ordinances to implement the interim policy in case it should become necessary.

## TRANSPORTATION NETWORK: BYPASS

Policies Considered

(1) Request that State build four lane road on Bypass right-of-way; (2) Request State build feeder roads along Bypass; (3) Build a new two lane road along the Sound; (4) Restrict commercial access to the Bypass; limit new streets entering Bypass; eliminate left turns on Bypass; (5) Establish system of one-way pairs.

Discussion

Traffic levels on the Bypass currently exceed design standards. The Thoroughfare Plan of 1973 calls for building a six lane highway on the Bypass right-of-way. D.O.T. states that feeder roads would be too expensive because the right-of-way would need to be enlarged. One-way pairs are unacceptable to the Town because they would increase the level and speed of traffic on the beach road which is heavily used by pedestrians for beach access. (Transportation, pp. 8-17) The respondents to the questionnaire support a four lane highway; they oppose restrictions and one-way pairs. (Questionnaire, pp. 11-12) State budgets for highway improvements appear dismal.

Policy Selected

The Town supports the Thoroughfare Plan (1973) and requests the State to implement the plan as soon as possible. The Town will place a low priority on paving streets that are currently only paper streets in such a way that access would be directly to the Bypass, except where to not do so would result in no reasonable access to the Bypass in the area.

Implementation

The Town has requested the State D.O.T. to place the plan to six lane the Bypass on its improvements program for the next ten years.

The Town will develop a policy on street connections to the Bypass.

The details of the policy will be included in the management tools study in 1980-1981.

Interim Policies

In the event that funding for this project is not provided by 1985, the Town will set up a Task Force to study the problem and make recommendations.

## TRANSPORTATION NETWORK: LOCAL ROADS

Policies Considered

(1) Pave local roads pursuant to a priority list, the priorities reflecting policies of the Town concerning which areas it wishes to see developed first (reflecting problems with soils for septic systems of lots adjoining the roads, of foundations for the road itself); (2) Pave local roads when the majority of the people on the street are willing to pay for 50% of the costs; (3) Require new subdivisions to build roads to Town specifications.

Discussion

Kill Devil Hills currently requires roads in new subdivisions be built to Town specifications. Current policy also calls for property owners to share in the costs of new streets designed to serve them. The respondents to the questionnaire indicated a desire to see greater spending of tax monies for paving the streets. (Questionnaire, p. 15).

Policy

The Town will continue its policy of paving local roads when a majority of the people on the road or street are willing to pay 50% of the costs of the paving. The Town will study alternatives to this policy in its revision of the management tools in 1980-1981.

Implementation

None required, except to study the matter further with concrete proposals in the management tools study in 1980-1981.



## HOUSING MIX

### Policies Considered

(1) Maintain low density housing mix of past ten years; (2) Shift housing mix to a greater percentage of motel units; (3) Shift housing mix to encourage more condominiums.

### Discussion

A housing mix that would result in higher densities would create the best tax base and greatest net revenues to the Town. (Housing, pp. 24-27) The respondents to the questionnaire indicated a strong desire to retain the family beach atmosphere (limiting high density) and to increase the amount of open space. (Questionnaire, pp. 7-11)

### Policy Selected

The Town desires to provide for a future housing mix which is approximately 75% single family and 25% motel units. Middle densities will be largely discouraged.

### Implementation

The Town will review its zoning ordinance to determine if it can adjust zones and densities to accomplish this policy. Programmed for management tool study, 1980-1981.

## RECREATION AND BEACH ACCESS

### Policies Considered

The Town considered the following facilities to determine which ones should be provided at public expense: (1) marinas and boat access, (2) parking for beach access, (3) bathhouses, (4) playgrounds, (5) tennis courts, (6) indoor ball courts, (7) ballfields, (8) picnic facilities, (9) jogging and walking paths, (10) bikeways, (11) meeting hall.

### Discussion

In 1979 the Town adopted a beach access plan. (See Current Plans.) The respondents to the questionnaire indicated a need and desire to have parking provided for beach access. They also showed some support for bikeways and jogging paths. (Questionnaire, pp. 13-14) Recreation on the Dare beaches is strongly tied into beach use. Approximately two to three acres of parking will be needed to accommodate the 1990 population, if mass transit is unavailable. Only a few of the beach access points are maintained by the Town.

### Policy Selected

The Town will plan to provide adequate beach access facilities for the general public and especially for overnight residents of the Town. More specifically, the Town will attempt to improve and maintain all the beach access points within its jurisdiction within the next ten years. The Town will develop a plan to acquire any additional land needed for parking. The Town will cooperate with Nags Head towards the goal of achieving an acceptable mass transit system.

The Town will work with Nags Head and private organizations, including Nature Conservancy, to develop jogging and walking paths and bikeways.

### Implementation

The Town Administrator will investigate the adequacy of existing Town property for use as parking in connection with beach access for both the ocean and sound. He will also prepare a schedule for improving beach access points during the next ten years. The Town will work with Nags Head on grantsmanship leading to the funding of bikeways, jogging and walking paths. Some motel development (30% of new units) have been encouraged in order to provide greater opportunities for the general public to use the beaches.

## BEACH AND SHORELINE EROSION

### Policies Considered

(1) Encourage projects aimed at preserving the existing beach, including groins and jetties; (2) Encourage the projects depending on how much local, state and federal monies are involved in the project; (3) Discourage these projects.

### Discussion

Projects designed to stabilize the ocean beaches and prevent further erosion are expensive. Further State money for such projects seems dubious. Private erosion control actions usually interfere with the public's right to the beaches. They also affect the property rights of adjoining landowners. The building of steel and concrete structures along the oceanfront inevitably will require beach stabilization or acceptance of severe damage to property and consequential loss of tax revenues. (Beach Dynamics, pp. 1-4)

### Policy Selected

The Town is opposed to private and governmental actions that would attempt to stabilize the beach rather than allow it to migrate. The Town is opposed to bulkheads, jetties, groins, and the like along the oceanfront. The Town will not spend local tax monies to protect private landowners from problems due to ocean migration. The Town encourages motels to locate west of the beach road.

### Implementation

The Town will rely on consistency review and existing C.R.C. and D.N.R.C.D. policies to implement policies towards building jetties and

groins. The Town will amend its zoning ordinance to remove features requiring bulkheads along the oceanfront. The Town will review its zoning ordinance to allow new motel zones west of the beachroad, and perhaps to curtail the possibility of motel development along the ocean, or some sections of the oceanfront. The Town will investigate the possibility of adopting different open space requirements for oceanfront and non-oceanfront property in the goal of fostering motel development beyond the reaches of the migrating beach.

DUNEPLOWING, REBUILDING AND REVEGETATING THE DUNES,  
BULKHEADING THE ESTUARINE SHORELINE

Policies Considered

- (1) Encourage such actions;
- (2) Discourage such actions;
- (3) Require or prohibit such actions.

Discussion

The Town has always allowed duneplowing and other actions, even if it considered such actions as futile, provided the actions were not undertaken in such a manner as to damage a neighbor's property. The Town encourages the bulkheading of soundside and canal property. This type of bulkheading will reduce sedimentation in the canals and Sound, increasing water quality and limiting expenditures by private individuals to maintain boat access.

Policy Selected

The Town encourages the building and rebuilding of the dunes. Such action will require a C.A.M.A. permit. The Town supports the individual private landowner's decision towards duneplowing, provided such actions are not detrimental to the property rights of adjacent landowners or to the public's right to the beach. Again, a C.A.M.A. permit is required for duneplowing, limited to emergency situations only. The Town encourages the bulkheading of property along canal lots and adjacent to the Sound where such property is experiencing erosion and where natural barriers to erosion are limited or non-existent.

## BUILDING HEIGHTS

### Policies Considered

(1) Limiting building heights to an amount that could be served by Town fire equipment; (2) Limiting height in entire Town to 50 feet; (3) Limiting height near airport to 50 feet to provide greater safety there, but allow unrestricted heights outside of normal flight patterns and anticipated deviations therefrom.

### Discussion

Kill Devil Hills has traditionally viewed the height limitation as a capacity factor; maximum allowable height under the zoning ordinance is 50 feet. Modern sprinkler systems would reduce need of Town firefighting equipment being able to reach structures above 50 feet. Strong winds especially during hurricanes and storms pose concern over the ability of tall structures to withstand the forces of nature. Elevations above 50 feet in the flight path of an airport or near an airport may be hazardous for pilots navigating landings and takeoffs.

### Policy Selected

The Town will retain its current 50 feet height limitation for structures.

### Implementation

Retain height limitation in the zoning ordinance.

## COMMERCIAL AND RECREATIONAL FISHING.

## OFF ROAD VEHICLE USE.

Policies Considered

(1) Regulating conflicts between commercial fishing and bathing and sport uses; (2) Not regulating the same.

Discussion

The conflicts between fishing, ORVs, and other beach uses are not as great as they could be. Kill Devil Hills does not have any fisheries. Retail houses where fish are sold are permitted under the zoning ordinance and restricted in terms of location. Commercial fishing on the beaches usually occurs in the fall when there is least likely conflict with beach use for bathing and swimming. The Town has several access points to the beach which are suitable for use by commercial four-wheel vehicles. The Town regulates the use of off-road vehicles for recreational use and prohibits that use from May to September. The Town is not aware of any means to regulate commercial fishing uses to prevent conflicts, even if they were to become more significant.

Policy Selected

The Town would probably not support State or local regulation to deal with conflicts between various beach and surf users at this time.

Note

The Town separates surfing uses from bathing uses.

Implementation

None required.



## AGRICULTURAL, FORESTRY AND INDUSTRIAL USES.

### Policies Considered

(1) Encouraging or discouraging these uses; (2) Restricting or prohibiting these uses.

### Discussion

None of these uses is really significant in size or contribution to the Town. Only the land in the Woods is probably capable of being used for agricultural purposes; the immediate use of this area appears to be for residential development and conservation. The Woods are suitable for forestry purposes; they have been cut at various times in the history of development of the island. This use will conflict with residential use and desire to protect the marshlands from disturbance. Some industrial uses are currently existing in the Town (cement plant); some areas are zoned for light industry, although these areas have been developed with mobile home parks.

### Policy Selected

The Town opposes the commercial cutting of the Woods. The Town does not consider agricultural purposes likely. The Town considers additional industrial development a possibility with other businesses in the Town.

### Implementation

Direct regulation at the local level of commercial forestry or agriculture is not deemed possible because of legal restrictions. The Town relies on consistency review. Industrial uses are limited through the zoning ordinance; these zones will be reviewed together

with regulations encouraging or discouraging industrial use during the study of management tools during 1980-1981.

## COMMERCIAL DEVELOPMENT

### Policies Considered

(1) Encourage commercial development along the beach road and the Bypass as allowed by the current zoning ordinance; (2) Encourage the greater concentration of commercial development in the northern and southern sections of Town (slight shift in pattern); (3) Attempt to restrict commercial development.

### Discussion

The zoning ordinance provides for commercial development along a large portion of the Bypass and the beach road. Many of these areas are already developed as residential; some are still vacant lands. Commercial development is heaviest in the southern section near the Nags Head limits (Sea Holly Square, many restaurants, some motels), with a smaller area of development in the northern section of Town. Strip commercial development along the Bypass will interfere with the functioning of this highway. Aggregating commercial uses in the already developing southern section of Town would probably yield the greatest benefits to the Town in terms of service, diminished interference with residential uses, and conflicts with the highway system.

### Policy Selected

The Town will attempt to review its zoning ordinance and to revise it to reflect a policy of attempting to provide more centralization for the commercial zone.

Implementation

The Town will consider amendments to its zoning ordinance. The review of the management system is planned for the 1980-1981 fiscal year.

## AECs, POLICIES OF THE COASTAL RESOURCE COMMISSION

Policies Considered

(1) Complete support of current and future policies of the Commission; (2) Limiting that support.

Discussion

The Town disagrees with several recent decisions of the Commission, especially on ocean setbacks on the basis of 30 year erosion rates and regulation of land adjacent to the Fresh Water Pond. The Town is opposed to nomination of land known as the Woods as an area of environmental concern. The Town does not feel that such area is a complex natural area. Furthermore, residential use is the highest and best use of much of this land. The Town supports C.R.C. regulation of the marshlands and the purchase of land having environmental significance by the Nature Conservancy. The Town notes the need for public access to lands held for public purposes.

Policy Selected

See Policies on Constraints To Development.

## ENERGY FACILITIES; UTILITY TRANSMISSION LINES

### Policies Considered

(1) Designating areas suitable for pipelines, substations or possibly even powerplant; (2) Requesting State to require powerlines and other transmission lines, especially telephone and cable, to be placed underground; (3) Retaining current situation.

### Discussion

The development of off-shore oil along the Outer Banks appears inevitable. The delivery of that oil to on-shore facilities requires land transport and port facilities. Ample areas of undeveloped land not presently being used for high intensity recreational uses are available for transmission or pipelines for oil and natural gas. The Outer Banks would be more attractive from an aesthetic viewpoint if telephone and other overhead transmission lines were placed underground. Such a placement should also improve service; the salt air probably causes more problems for the utilities (popping, crackling, breaking).

### Policy Selected

The Town is opposed to energy facilities, including pipelines, docking facilities, plants, and substations locating within the Town. The Town is not opposed to the reasonable location of facilities necessary for the transmission of electricity for serving residents of the Outer Banks, however, the Town prefers that transmission lines be placed underground.

Implementation

These policies should be implemented in consistency review.

## HISTORIC PRESERVATION; ARCHAEOLOGICAL PRESERVATION

Policies Considered

- (1) Study or encourage the study of two sections of beachfront to determine the historic significance of beachhouses located there;
- (2) Allow such initiatives to come totally from the private sector;
- (3) Cooperate with State in identifying and providing for the preservation and removal of items of archaeological or historic significance; (4) Not adopt a policy.

Discussion

Most of the beachhouses of likely significance are privately owned by the persons who originally built or purchased them. Many of the houses do not seem to be intensively used. (Population, pp. 1-2) Some of the houses are believed to be in need of substantial improvements. Significant tax advantages are provided by the United States to owners of structures which qualify for designation to the National Register. The Town would benefit from restoration and maintenance of this district culturally and financially. Infringement from motel use is currently provided through density control in the zoning ordinance.

The Town is not aware of any areas likely to contain items of archaeological or geological significance. The Town does not consider the soundside dunes of geological significance. Archaeological review often delays construction, yet serves a valuable purpose from a state perspective.



Policy Selected

The Town will study the older houses along the oceanfront, with the consent of the owners, to determine if these houses could be nominated to the National Register. The Town will support the completion of studies currently pending with regard to the Lighthouse Station. The Town will notify the State Department of Natural Resources and Community Development in the event that it learns of the discovery of items of archaeological or historical significance.

Implementation

Preliminary study by the Town to be undertaken within next five years of beachfront structures of likely historic significance. The zoning ordinance will be reviewed to determine if additional restrictions on development in areas where these houses are located are needed. Letters will be sent to the State in the event archaeologically important items are encountered.

## COMMITMENT TO STATE AND FEDERAL PROGRAMS

### Policies Considered

(1) Commitment to receiving State and Federal monies and assistance; (2) No commitment.

### Discussion

State and Federal programs have enabled the Town to study problems with beach access and capital facility programming. They have assisted in the provision of water availability for the Town's residents; they are a necessary ingredient in providing public sewers, increasing the capacity of the highway system, improving the local roads, etc.

### Policy Selected

Generally speaking, the Town supports Federal and State programs. When necessary the Town will assist these agencies in finding spoil sites, in acquiring right-of-ways, etc.

### Implementation

Directives will be forthcoming to the Town Administrator on a case by case basis.

## TOURISM

### Policies Considered

(1) Encourage tourism by providing for growth; (2) Discourage tourism; (3) Extend season for tourism.

### Discussion

Tourists are the backbone of economic well-being of the community. The policies of the Town are inseparably united with encouraging tourism and the recreational uses of the Town's natural resources, both ocean beaches and the Sound. The increasing emphasis the public places on recreation will inevitably extend the length of tourist season. The Town knows of no way in which it could really affect the vacation habits of Americans so as to extend the season into the winter months.

### Policy Selected

The Town encourages tourism. It encourages a level of growth and provision of services necessary to accommodate anticipated demand from all sectors of the population to the year 1990 (See Growth policies). The Town supports and approves of extending the length of the tourist season.

### Implementation

This policy is implemented through the network of other policies concerning growth and development.

## PUBLIC PARTICIPATION

### Policies Considered

(1) Encourage public participation; (2) No policy.

### Discussion

During the planning process in this land use plan, the Town held a public forum to determine the issues of importance to the citizens of the Town. It canvassed viewpoints and attitudes of identifiable interest groups connected with the Town. The Planning Board used a scientific random sample procedure and an issue-oriented questionnaire to sample public opinion (both residents and seasonal beach users). The attitudes were analyzed in a sophisticated manner to reveal groupings of attitudes. The Planning Board held over twenty meetings which were attended by the press, representatives from State and Federal agencies and private individuals. Summaries of the technical papers and comments of the Planning Board were regularly reported in the local newspapers. The consultants participated in radio interviews and notices were put on television. The Town Board reviewed the plan publicly on five occasions including two work sessions with the Planning Board. This type of intensive public discussion is probably not possible except in the development of the land use plan. However, the Town desires to encourage the continuance of public participation and the constant updating of its land use plan.

### Policy Selected

The Town will encourage the public to participate to the maximum extent possible in the governing of the Town.

Implementation

The Town directs the Planning Board to set aside regularly scheduled meetings to discuss land use issues. The Planning Board and Town Administrator will continue to advise the public of the nature of items being considered by the Town at its meetings. They will cooperate with the press and prepare releases for bringing the public up-to-date on government activity.

## CHAPTER IV

### LAND CLASSIFICATION

Established: The purpose of the developed class is to provide for intensive development and redevelopment of existing urbanized areas. Areas to be classified as developed include lands currently developed for urban uses at or approaching a density of 500 dwellings per square mile that are provided with usual municipal services including at least public water, sewer, recreational facilities, police and fire protection. In the Town of Kill Devil Hills, the developed class has been subdivided into an established class to reflect a situation where the Town has services listed above, except for public sewer. The Town is currently involved in studying the feasibility of public sewer under the Regional 201 Facilities Plan, and supports the development of public sewer in the Town. The area in the Town classified as established is generally along the entire north-south length of the Town from the ocean front to the U.S. 158 By-Pass. Also included is a section west of the By-Pass between Kitty Hawk Drive and 5th Street (see classification map).

Transition: The purpose of the transition class is to provide for future intensive urban development within the ensuing ten years on lands that are most suitable and that will be scheduled for provision of necessary public utilities and services. The transition lands

also provide for additional areas when lands in the developed class are not available or when they are severely limited for development. In the Town of Kill Devil Hills, all lands not classified as established, rural or conservation are transition. The rural area is the Wright Memorial, and the conservation areas are the AECs.

Rural: Rural areas are those that are identified as appropriate for resource management. Generally areas classified as rural are intended to be those areas with high potential for agriculture, forestry, or mineral extraction; or lands that would make development hazardous and costly; and lands containing irreplaceable, limited, or significant natural, recreational, or scenic resources not otherwise classified. In the Town of Kill Devil Hills, the area of the Wright Memorial is classified as rural due to its historical value, rather than any potential for hazard (except for the man-made hazard of the air strip located on the site) or for its natural resource potential. A classification designation was also needed which could allow for potential expansion of the facilities on the site.

Conservation: The purpose of the conservation class is to provide for effective long term management of significant limited or irreplaceable areas. This management may be needed because of its natural, cultural, recreational, productive, or scenic values. These values should not be identified as transition in the future. In the Town, lands classified as conservation include all AEC areas. Such areas would be the ocean hazard area, estuarine shoreline, coastal marshes, and all surface waters.

## RELATIONSHIP OF POLICIES AND LAND CLASSIFICATION

Established: In this class, present uses include a combination of urbanized uses (e.g. high, medium and low density residential; commercial, transportation, and institutional). It is the policy of the Town to maintain existing growth and provide development opportunity to allow for increased tourist economy. The zoning in the established class allows commercial and high density uses in most areas (see zoning classification maps). It is also the Town's policy to continue to maintain services at the present level, and to work toward implementing a sewer system. The Town is seeking to attempt to limit motel development to west of the beach road. In the next fiscal year, the Town will undertake a study of management tools to implement its policies.

Transition: In the transition class, the policies toward growth and services are similar to those in the established class. However densities are somewhat higher in these areas. Almost all of this classification is presently platted for residential development. These areas are expected to accommodate the urbanized population and economic growth through the planning period.

Rural: This area is owned by the federal government and benefits the Town as an area of open space and tourist attraction. (The Wright Memorial).



Conservation: The purpose of the conservation class is to provide for effective long term management of significant limited or irreplaceable areas. This management may be needed because of its natural, cultural, recreational, productive or scenic values. In the Town, this class applies to all AEC areas, which include the ocean hazard areas, estuarine shoreline, coastal wetlands, and all surface waters. The Town supports CAMA regulations in applying standards for these areas. The Town allows plowing to create dunes, but does not support beach nourishment procedures or the establishment of groins or jetties. The Town allows bulkheading on the estuarine shoreline. The Town allows the construction of walkways and platforms over the frontal dunes as long as public access is not interfered with.

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